

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

BRIAN KEITH BARNES, #181 505,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:16-CV-760-WKW
)	[WO]
SGT. THORNTON, in his individual)	
capacity,)	
)	
Defendant.)	

ORDER

On August 16, 2019, the Magistrate Judge filed a Recommendation to which no timely objections have been filed. (Doc. # 34.) Upon an independent review of the record and the Recommendation, it is ORDERED that:

1. The Recommendation is ADOPTED.
2. Defendant's motion for summary judgment regarding Plaintiff's claims for monetary damages lodged against Defendant in his official capacity is GRANTED, and these claims are DISMISSED with prejudice because Defendant is entitled to absolute immunity from such relief.
3. Defendant's motion for summary judgment regarding Plaintiff's Eighth Amendment excessive force claim lodged against him in his individual capacity is DENIED.

4. Defendant's motion for summary judgment on Plaintiff's Eighth Amendment claim in Part II.D. of the Recommendation and on Plaintiff's Fourteenth Amendment claim in Part II.E. of the Recommendation is GRANTED.

5. This case will be set for trial on Plaintiff's excessive force claim against Defendant Thornton.

DONE this 18th day of September, 2019.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE